United Nations S/2002/1362

Security Council

Distr.: General
13 December 2002
English
Original: Arabic

Letter dated 11 December 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith the daily report for 11 December 2002 on the activities of the inspection teams of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) in Iraq.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed A. **Al-Douri**
Permanent Representative

02-74155 (E) 201202 201202

Annex to the letter dated 11 December 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

Daily report on the activities of the UNMOVIC and IAEA inspection teams in Iraq

Daily activity report for 11 December 2002

The activities of the UNMOVIC and IAEA inspection teams on Wednesday, 11 December 2002, were as follows:

I. UNMOVIC inspection team I

The team set out from its base at the Canal Hotel in Baghdad at 8.27 a.m. The team, which consisted of 10 inspectors and was headed by Ms. Kay Mereish, arrived at 9.10 a.m. at the Al-Razi Centre for Research and the Production of Diagnostic Kits, which belongs to the Ministry of Industry and Mining. The Al-Razi Centre is located in the Abu Ghraib area north of Baghdad, near the Veterinary Faculty. The Centre, one of the medical sites subject to the ongoing monitoring regime, specializes in research on diagnostic equipment and produces patches for diagnosing allergic reactions to antibiotics, chemical solutions and pigments.

On arrival at the site, the team was divided into two groups:

Group I: The members of group I had a meeting with the director of the Centre and sought clarifications on the work of the Centre and on the half-yearly declarations on the Centre. They asked whether there had been any new developments and sought clarifications on the nature of research at the Centre, its products and product end-users.

Group II: The members of group II inspected all the Centre's facilities, especially the laboratories, the planning and monitoring section, the animal pavilions and stores, and asked questions about the activities conducted in those facilities.

The team completed its task at 2.45 p.m. and arrived back at the Canal Hotel at 3.20 p.m.

II. UNMOVIC inspection team II

UNMOVIC inspection team II set out from the Canal Hotel at 8.35 a.m. The team, which included 15 inspectors and was headed by Mr. William Jolley, set out for the Fatah Company, which belongs to the Karamah State Establishment located in the Tajiyat area, 10 kilometres north of Baghdad. The inspection team arrived at the factory at 9.15 a.m. and split up into two groups:

Group I: The members of group I held a meeting with the director of the company and sought clarifications on the various sections and units of the company, its products, the bodies that provide assistance to it and the end-users of its products. The group leader requested plans of the site and its different sections; they were made available to him. Members of the group examined the production machinery and the components produced in the production workshop and compared their

observations with the six-monthly statements they had received previously. They then visited the machine shop.

Group II: The members of group II visited the turnery, photographed the machines and noted their characteristics. They examined the computer containing the software programmes that provides coordinates to the machines during the turning process.

The inspection team completed its visit at 12.45 p.m. and returned to the Canal Hotel at 1.10 p.m.

III. IAEA inspection team I

The following three groups of inspectors set out from the Canal Hotel:

Group I: Group I, led by Nicolai Lazariev, was composed of four inspectors. It set out from the Canal Hotel at 8.25 a.m. and reached the Iraq Atomic Energy Agency site at Tuwaitha at 8.50 a.m. The group's task was to replace the tags of the two nuclear materials stores that had been inspected the day before and two days previously. The seals on the main and side doors were replaced as well as the tag on one of the containers, which was filled with uranium dioxide. All in all, 21 tags were changed. The members of the group completed their task at 12.20 p.m. and arrived at the Canal Hotel at 12.45 p.m.

Group II: Group II, which included three inspectors, was led by Mr. Craig Lavender. It set out from the Canal Hotel at 8.25 a.m. and reached the Saddam Public Establishment in Amiriyah, in the Fallujah area north of Baghdad. The Saddam Public Establishment is one of the companies of the Military Industrialization Commission and was subject to the ongoing monitoring regime. Inspection teams from the former Special Commission had carried out several unannounced inspections of the site. The Saddam Public Establishment specializes in mechanical engineering and manufactures components for conventional military equipment.

Members of group II examined the buildings and workshops of the Saddam Establishment and checked all the machinery subject to the ongoing monitoring regime and the new machines, in order to confirm that they were not subject to that regime. They then checked the tags placed by IAEA on the machines covered by the monitoring regime. They took measurements of one of the computer numerical controlled (CNC) machines and also took samples of iron shards. Members of group II sought clarifications on the nature of the work the Company was currently doing. They completed their visit at 11.50 a.m. and arrived five minutes later at the Amir factory, which is adjacent to the Saddam Public Enterprise and in fact belongs to that Enterprise. The Amir Company was one of the sites included in the ongoing monitoring regime and was inspected regularly by teams of the former Special Commission. It specializes in heavy mechanical engineering for major public works and does not engage in any activity related to missiles with authorized ranges that are covered by the ongoing monitoring regime. However, this in fact came under the regime at the time because, according to the former Special Commission, it had the capacity to manufacture missile components.

The members of group II visited all the technical workshops, inspected the machines and equipment, checked the tags that had been placed on the machines and equipment and sought clarifications on the nature of the work conducted at the

factory from 1998 to date. They completed their visit at 12.50 p.m. and arrived at the Canal Hotel at 2.17 p.m.

Group III: The group included four inspectors and was headed by Mr. Robert Kelly. It set out from the Canal Hotel at 8.25 a.m. and arrived at the Ibn Sina Company, located 35 kilometres north of Baghdad, at 9.18 a.m. The Company specializes in research on industrial chemicals and the manufacture of the organic and inorganic raw materials required by Iraq's civilian industries. It provides services to all faculties and scientific centres. The Company also undertakes various chemical analyses. Immediately upon their arrival at the Ibn Sina Company, members of group III held a long meeting with its director-general and asked him questions on the Company's work and its plans for the future, to which he gave adequate responses. They then visited the company's stores in order to check the tags placed by IAEA on the subject to the ongoing monitoring regime. They also visited the silicon industries research unit and the building housing the analysis laboratories, and examined and photographed its equipment. Members of group III completed their tour at 1 p.m. and set out for the Amal factory, a laboratory that specializes in the manufacture of liquid nitrogen, which belongs to the same Company. They inspected the laboratory, inquired about its production capacity and took a number of photographs. They completed their visit at 1.25 p.m. and arrived at the Canal Hotel at 2.17 p.m.

IV. IAEA inspection team II

IAEA inspection team II spent the night of 10 to 11 December 2002 in the housing complex belonging to the National Phosphates Company, which is located in Akashat in western Iraq. The team started work at 8.40 a.m. on 11 December 2002, and was divided into three groups:

Group I: composed of three inspectors, was led by Mr. Phillip Caulfield. It arrived at the site of the National Phosphates Company at 8.45 a.m. and held a long meeting with its director-general, who was asked to explain the means of production of concentrated and diluted phosphoric acid and the production of different types and quantities of fertilizer. Clarifications were also sought on the Freon gas project, which was suspended in 1990. The group examined the plans on the project and kept a copy thereof. It also inspected the unit for the maintenance of the thermal alternators and boilers. Using hand-held devices, the group conducted radiometric measurements and took samples of raw calcium phosphate, samples from the calcium phosphate concentrate department and a sample of triple super phosphate fertilizer.

Group II: comprising three inspectors and led by David Hayes, arrived at the site of the National Phosphate Company at 8.45 a.m. It took water, soil, plant and steel samples from different areas of the site. Using hand-held devices, the group conducted a radiometric survey of all the facilities at the site in order to detect any alleged nuclear activity or undeclared radiation sources.

Group III: toured the exterior of the site and conducted a radiometric survey of stores belonging to other industrial enterprises and inspected the contents of such stores. The group visited the main water station that supplies the site and all the buildings and inspected the residual water tanks.

The inspection team completed its tasks at 12.55 p.m. and returned to Baghdad. It arrived at the Canal Hotel at 1.40 p.m.

V. Communications group

A member of the communications group set out for Rashid airport at 9 a.m. accompanied by two vehicles carrying sections of the communications tower. Iraqi officials erected the tower on the airport control tower building. The erection of the tower was completed at 2.50 p.m., at which time the UNMOVIC official returned to the Canal Hotel.

VI. Remarks

The Ibn Sina enterprise, which specializes in research on industrial chemicals, and which the inspection teams inspected for the first time this year, was accused in the report of United Kingdom Prime Minister Tony Blair of conducting proscribed activities relating to the production of chemical weapons.

United Nations S/2002/1363

Security Council

Distr.: General
12 December 2002

Original: English

Letter dated 10 December 2002 from the Chairman of Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Tonga, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-74140 (E) 261202

Annex

Letter dated 9 December 2002 from the Permanent Representative of Tonga to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to attach the report of Tonga, submitted pursuant to paragraph 6 of resolution 1373 (2001), on the steps taken to implement that resolution (see enclosure). An electronic copy of the report will, in addition, be conveyed to the Counter-Terrorism Committee by e-mail.

Tonga stands ready to submit any further information requested by the Counter-Terrorism Committee on its implementation of resolution 1373 (2001).

(*Signed*) S. T. T. **Tupou**
Ambassador Extraordinary and Plenipotentiary

Enclosure

Report of Tonga to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001

Introduction

1. Tonga is fully committed to cooperating with the United Nations, its fellow Member States and the Counter-Terrorism Committee (CTC), established pursuant to United Nations Security Council resolution 1373 (2001) (UNSCR 1373), to combat international terrorism. In fulfilling her international obligations in this regard, a range of measures has been undertaken and which are detailed below.

Legislation

2. In passing the legislation required to implement UNSCR 1373, Tonga made a policy decision to deal with terrorist offences under its general criminal law prohibitions.

3. The Criminal Offences (Amendment) Bill 2002 was subsequently introduced and passed by the Legislative Assembly in October 2002.

4. The purpose of this Bill was to amend the Criminal Offences Act (Cap. 18) to include terrorist acts:

(a) The Bill created the offence of terrorism by making it an offence under the Criminal Offences Act; and

(b) Section 78A created the offence and penalty, section 78B defined an "act of terrorism" and section 78C defined "terrorist property" and provided additional penalties to those under section 78A.

5. Tonga is presently a party to three of the twelve multilateral treaties related to the global effort to counter terrorism. Privy Council, by its decision of 1 November 2002, approved that Tonga becomes a party to the remaining nine treaties. Work is currently being undertaken with regard to completing the requisite treaty formalities.

Executive Action

6. Tonga has provided political support and has offered, as far as it can as a small island developing state, to also provide assistance with intelligence support.

7. A Ministerial Ad Hoc Group has been working under the leadership of the Prime Minister, as well as an officials group to examine the existing measures to combat terrorism as well as other measures that may be required to effect not only the security of the country, but also to lend support to the global efforts to combat terrorism.

8. Appropriate measures have been put in place to strengthen the security arrangements including aviation security and border control. Work is also being undertaken on several other measures to be implemented to further enhance the existing security arrangements.

Consultations with other countries

9. Tonga has been actively participating in regional and international efforts by a number of inter-governmental organisations and which has been supported by a number of countries to raise awareness of the measures being undertaken and those further required to be undertaken to facilitate compliance with UNSCR 1373.

10. The threat of terrorism in the Pacific prior to the tragic events of 11 September 2001 was minimal. However it has become apparent that countries regardless of size, need to be prepared to cooperate and support the global anti terrorism effort as well as to put in place appropriate measures for domestic security.

11. A Pacific Regional Workshop on Combating Terrorism was held in Honolulu, Hawaii from 25 to 27 March 2002. The Workshop was co-hosted by the Governments of Australia, New Zealand, the United States of America, and the Pacific Island Forum Secretariat. The objectives of the Workshop were to encourage compliance with those Security Council resolutions aimed at combating terrorism and UNSCR 1373 in particular, and to encourage accession to and implementation of the twelve international counter-terrorism treaties.

12. At the international level, The Commonwealth has established an Experts Working Group on Legislative and Administrative Measures to Combat Terrorism which has assessed the legislative and administrative measures required by UNSCR 1373 and the special recommendations of the Financial Action Task Force (FATF) to combat terrorist financing. The Commonwealth will also be producing model legislation to implement UNSCR 1373 and the FATF's special recommendations and implementation kits on the twelve international counter-terrorism treaties.

13. At the national level, the capacity of Tonga's border controls and control of passports and travel documents has been substantially upgraded through the assistance of the Government of New Zealand. This capacity has been further enhanced with training programmes and seminars provided by regional and international institutions.

Comments in relation to the specific questions posed by the CTC:

Operative Paragraph 1

14. Tonga is committed to ensuring full compliance with the financing-related elements of UNSCR 1373. Privy Council has approved that Tonga become a party to the 1999 International Convention for the Suppression of Financing of Terrorism.

15. The Money Laundering and Proceeds of Crime Act 2000 enables the unlawful proceeds of all serious crime including drug trafficking to be identified, traced, frozen, seized and eventually confiscated. This Act also allows for the establishment of a Transaction Reporting Authority (TRA), and to require financial institutions and cash dealers to take prudential measures to help combat money laundering.

Sub-paragraph (a) – What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to question 1(b) to (d)

16. The National Reserve Bank of Tonga (NRBT) under the Money Laundering and Proceeds of Crime Act 2000 has been appointed as the TRA. Under section 11(2) of this Act, the TRA is authorised to conduct the following:

(a) shall receive reports of suspicious transactions from financial institutions and cash dealers pursuant to section 14(1);

(b) shall send any such report to the appropriate law enforcement authorities if the report gives the TRA reasonable grounds to suspect that the transaction is suspicious;

(c) may enter the premises of any financial institution or cash dealer during ordinary business hours to inspect any record kept pursuant to section 13(1), and ask any question relating to such record, make notes and take copies of the whole or any part of the record;

(d) shall send to the appropriate law enforcement authorities, any information derived from an inspection carried out pursuant to subsection (2)(c), if it gives the TRA reasonable grounds to suspect that a transaction involves proceeds of crime;

(e) may instruct any financial institution or cash dealer to take such steps as may be appropriate to facilitate any investigation anticipated by the TRA;

(f) may compile statistics and records, disseminate information within Tonga or elsewhere, make recommendations arising out of any information received, issue guidelines to financial institutions and advise the Attorney General;

(g) shall create training requirements and provide such training for any financial institution in respect of transaction record-keeping and reporting obligations provided for in sections 13(1) and 14(1);

(h) may consult with any relevant person, institution or organisation for the purpose of exercising its powers or duties under subsections (2)(c), (f), or (g); and

(i) shall not conduct any investigation other than for the purpose of ensuring compliance by a financial institution with the provisions of this Part.

17. The NRBT has written to the four financial institutions in the Kingdom to advise them of the communications received with regards to the prevention and suppression of financing of terrorist acts. The NRBT required all licensed financial institutions to report to them any transactions, which are suspected to be linked to the list of entities or persons named by the Security Council.

18. To date, there have been no reports of any activity within Tonga by any of those persons or any entities associated with those persons named by the Security Council.

Sub-paragraph (b) – What are the offences and penalties in your country with respect to the activities listed in this sub-paragraph?

19. The Criminal Offences (Amendment) Act 2002 makes the act of terrorism an offence. Under Section 78C of the Act, the Court may in addition to any penalty imposed under section 78A, (i.e. liable upon conviction to imprisonment not exceeding 25 years), order the forfeiture of:

(a) any cash, with any accrued interest or terrorist property;

(b) any article, substance, device or material by means of which the offence was committed; and

(c) any vehicle used in the commission of the offence.

20. The Money Laundering and Proceeds of Crime Act 2000 also includes, under section 17, money laundering offences, if any person:

(a) acquires, possesses or uses property knowing or having reason to believe that it is derived directly or indirectly from the commission of a serious offence;

(b) renders assistance to another person for:

(i) the conversion or transfer of property derived directly or indirectly by the commission of a serious offence, with the aim of concealing or disguising the illicit origin of that property or of aiding any person in the commission of the offence;

(ii) concealing or disguising the true nature, origin, location, disposition, movement or ownership of the property derived directly or indirectly by the commission of the serious offence.

and shall upon conviction be liable to imprisonment for a period of not exceeding 12 months or to a fine not exceeding $10,000 or both, and in the case of a body corporate to a fine not exceeding $50,000.

21. The Money Laundering and Proceeds of Crime Act 2000 defines a "serious offence" to mean, an offence against a provision of:

(a) any law of Tonga (other than this Act) for which the maximum penalty is imprisonment or other deprivation of liberty for a period of not less than 12 months or more severe penalty;

(b) a law of a foreign state in relation to acts or omissions which had they occurred in Tonga would have constituted an offence for which the maximum penalty is imprisonment or other deprivation of liberty for a period of not less than 12 months, or more severe penalty including an offence of a purely fiscal character.

22. The Extradition Act (Cap. 22) provides for extradition for these types of serious offences. A person may be extradited if found in Tonga who is accused of a relevant offence in any other country being a country designated in terms of section 4 of this Act or who is alleged to be unlawfully at large after conviction of such an offence in any such country may be arrested and returned to that country as provided by this Act. There is also provision in this Act for the treatment of a person returned from designated countries to Tonga.

Sub-paragraph (c) - What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of relevant action taken.

23. If there is reason to believe that the provisions of relevant legislation has been breached or are likely to be breached, there are provisions under the Money Laundering and Proceeds of Crime Act 2000 and the Criminal Offences (Amendment) Act 2002 to apply for a Court order to freeze accounts and assets at banks and financial institutions.

24. The Money Laundering and Proceeds of Crime Act 2000 provides, under section 19, how to deal with the seizure and detention of suspicious imports or exports of cash. Section 19(1) provides for any authorised officer to seize and, detain, any property including cash, which is being imported into or exported from Tonga, if he has reasonable grounds for suspecting that it is:

(a) derived from a serious offence; or

(b) intended by any person for use in the commission of a serious offence.

25. Cash detained however cannot be detained for more than 24 hours after seizure, unless a judge orders its continued detention for a period not exceeding three months from the date of seizure upon being satisfied that:

(a) there are reasonable grounds for the suspicion referred to; and

(b) its continued detention is justified while it's origin or derivation is further investigated; or consideration is given to the institution in Tonga or elsewhere of criminal proceedings against any person for an offence with which the cash is connected.

26. A judge may subsequently order continued detention of the cash for a period up to two years.

27. The Act also provides for confiscation of property that is tainted property in respect of an offence.

Sub-paragraph (d) – What measures exist to prohibit the activities listed in this sub-paragraph?

28. The Money Laundering and Proceeds of Crime Act 2000 provides, under section 10, for the meaning of benefiting from the proceeds of a serious offence and includes the following:

(a) a person has benefited from a serious offence if the person has, received any proceeds of that offence;

(b) a person's proceeds of a serious offence are:

(i) any payments or other rewards received by the person at any time in connection with the commission of the offence by that person or another person;

(ii) any pecuniary advantage derived by the person at any time from the commission of the offence by that person or another person;

whether received or derived before or after the commission of the offence.

29. Section 21 of the Act provides for property tracking and monitoring orders. For the purpose of determining whether any property belongs to or is in the possession or under the control of any person, the Supreme Court may, upon the application of the TRA, make an order:

(a) that any document relevant to –

(i) identifying, locating or quantifying any such property; or

(ii) identifying or locating any document necessary for the transfer of any such property,

belonging to, or in the possession or control of that person be delivered forthwith to the TRA;

(b) that the financial institution or cash dealer forthwith produce to the TRA all information obtained about any transaction conducted by or for that person during such period as the Supreme Court directs.

Operative Paragraph 2

Sub-paragraph (a) – What legislation or other measures are in place to give effect to this sub-paragraph? In particular, what offences in your country prohibit (i) recruitment of terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?

(i) Recruitment to and participation in terrorist groups

30. The Criminal Offences (Amendment) Act 2002, under section 78A, covers "[e]very person who does an act of terrorism or threatens to or to further an act of terrorism commits an offence".

(ii) Supply of weapons to terrorists

31. The Criminal Offences (Amendment) Act 2002, under section 78B, defines an act of terrorism to include:

(a) involves or causes:

(vi) the manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons as well as research into, and development of biological and chemical weapons.

32. Section 3 of the Arms and Ammunition Act (Cap. 39) prohibits the manufacture of arms and ammunition.

33. Part III of this Act prohibits the possession of arms and ammunition except under licence (which can be obtained upon written application to the Minister of Police).

34. Section (17)(1) of this Act prohibits a person from exporting any arms or ammunition from Tonga to á place outside Tonga unless he holds a licence to do so (which can be obtained upon written application to the Minister of Police).

35. Section (18) of this Act provides for the Prime Minister, by notice in the Gazette, to prohibit the import or export of particular classes of arms or ammunitions.

36. With respect to arms and ammunition in transit, the Minister of Police may, at his discretion, with or without condition, grant, refuse, suspend or revoke transit licences covering the importation into, removal within, transportation across, exportation from Tonga of any arm or ammunition in transit.

(iii) What other measures help prevent such activities?

37. In September 2002, the Tongan Government approved a policy to amend the Shipping Act (Cap. 136) "that vessels registered and flying the Tongan flag are prohibited from conducting illegal activities such as storing and transporting illegal drugs, carrying refugees (human cargo), involving in war or armed conflict between nations or parties or support civil unrest in any country".

38. A Bill to amend the Shipping Act will be tabled to the Legislative Assembly in November 2002, which would give powers to the Registrar to strike from the register any Tongan registered ships, which engages in any of the aforementioned activities. The master of a ship so deregistered commits an offence and shall be liable upon conviction to a fine not exceeding $100,000 and forfeit any performance bond lodged with the Registrar.

Sub-paragraph (b) – What other steps are being taken to prevent the commission of terrorist acts, and in particular, what early warning mechanisms exist to allow exchange of information with other states?

39. Tonga has, since the events of 11 September 2001, reviewed its domestic and international situation with respect to the security of the nation.

40. At the national level, in July 2002, the Crown Law Department was designated as the lead Ministry responsible for the administrative measures to combat terrorism. Other relevant Ministries included in the Ad Hoc group include the Prime Minister's Office, the Ministry of Police, Immigration and the Tonga Defense Services. The NRBT and the Ministry of Finance with respect to the financing aspects will also provide support to this group.

41. At a regional level, Tonga collaborates with other Pacific Island countries including New Zealand and Australia to pool resources for gathering and analysing intelligence in support of counter terrorism efforts.

42. There are also bilateral and other multilateral relationships for cooperation with other countries at an international level.

Sub-paragraph (c) - What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this sub-paragraph? It would be helpful if States supplied examples of any relevant action taken.

43. Tonga has in place within existing legislation, adequate provisions that can be used against terrorism in this specific area. The Immigration Act (Cap. 62) prevents Tonga from being used as a safe haven for terrorists. Section 8(2)(i) of this Act gives Cabinet the power to declare any person, by order published in the Gazette, to be a prohibited immigrant. In addition, the Prime Minister may, under section (8)(2)(g), deem any person an undesirable immigrant, in consequence of information received from any source deemed by the Prime Minister to be reliable or from any Government through official or diplomatic channels.

Terrorism involving aircraft:

44. Tonga is a party to three of the four multilateral treaties dealing with terrorism involving aircraft:

(a) the 1963 Convention on Offences and Certain Other Acts Committed on Board Aircraft;

(b) the 1970 Convention for the Suppression of Unlawful Seizure of Aircraft; and

(c) the 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation.

45. Privy Council has approved that Tonga become a party to the fourth convention i.e.

(a) the 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (1988)

46. The implementing legislation for these multilateral treaties is the Aircraft Offences Act (Cap. 153).

Terrorism involving ships and fixed platforms

47. Privy Council has approved that Tonga become a party to the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation and its Protocol for the Suppression of Unlawful Against the Safety of Fixed Platforms Located on the Continental Shelf.

Acts of terrorism against persons

48. The Criminal Offences (Amendment) Act 2002 specifies, under section 78B(c), that an "act of terrorism" means an act which involves or causes (i) an attack upon a person's life which causes death; (ii) an attack upon the physical integrity of a person; or (iii) the kidnapping of a person.

Sub-paragraph (d) - What legislation or procedures exist to prevent terrorists acting from your territory against other States or citizens? It would be helpful if States supplied examples of any relevant action taken.

49. The Criminal Offences (Amendment) Act 2002, under section 78B, defines an "act of terrorism" in broad terms and the reference to "a country" which includes the Kingdom of Tonga, and any country outside of Tonga.

50. An "act of terrorism" is defined as an act which "may seriously damage a country or an international organisation"; and also includes an act intended or can be reasonably regarded as having been intended to seriously intimidate a population; involves or causes an attack upon a person's life which causes death; an attack upon the physical integrity of a person; the kidnapping of a person; extensive destruction to a Government or public facility, a transport system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property, likely to endanger human life or result in major economic loss; the seizure of an aircraft, a ship or other means of public or goods transport; the release of dangerous substances, or causing of fires, explosions or floods, the effect of which is to endanger human life; or interference with or disruption of the supply of water, power or any other fundamental natural resource, the effect of which is to endanger human life.

Sub-paragraph (e) - What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply any examples of any convictions obtained and the sentence given.

51. As noted earlier, Tonga is a party to three of the twelve international treaties against terrorism and has incorporated the terrorist acts defined in them as serious offences in domestic legislation.

52. The Criminal Offences (Amendment) Act 2002 provides for punishment for the offence of an act of terrorism if found liable upon conviction to a term of imprisonment not to exceed 25 years. This is the maximum term of imprisonment under this Act whereas the maximum term of imprisonment for other criminal offences is one that is not to exceed 15 years.

Sub-paragraph (f) – What procedures and mechanisms are in place to assist other States? Please provide any details of how these have been used in practice.

53. Tonga has general mutual assistance legislation, which provides for mutual legal assistance with respect to investigations and prosecutions relating to terrorist acts and offences.

Mutual Assistance in Criminal Matters

54. The Mutual Assistance in Criminal Matters Act 2000 enables the widest range of international cooperation to be given and received by Tonga in investigations, prosecutions and related proceedings concerning serious offences against the laws of Tonga or those of foreign States.

55. Mutual assistance in criminal matters can be extended to a country other than Tonga; and includes every constituent part of such country, including a territory, dependency or protectorate, which administers its own laws.

56. Any foreign States can request the Attorney General for an evidence gathering order or a search warrant; consensual transfer of detained persons; restraining orders; enforcement of foreign confiscation or restraining orders; or request for location of proceeds of crimes.

Extradition

57. Section 5(1) of the Extradition Act provides that an offence of which a person is accused or has been convicted of in a designated country is a relevant offence if the offence however described is punishable both in Tonga and in the designated country concerned by imprisonment for a term of 2 years or more.

Sub-paragraph (g) – How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc?

How do border controls in your country prevent the movement of terrorists?

Legislation to control the movement of Non Citizens to Tonga: (Immigration Act - Cap. 62)

58. Powers of exclusion of "undesirable immigrants" – i.e. to prevent non-citizen terrorist persons or groups from entering the country or if in Tonga to remove from the country (covered under section 8 of the Act).

59. Powers of information exchange of citizens with relevant authorities and foreign immigration authorities – the power to receive information on non citizens from foreign governments as well as to pass Tongan immigration information on to other countries; (covered under section 8 of the Act).

60. Powers to investigate non-citizens as well as request non-citizens to provide reliable information on their own character (e.g. police records). Immigration uses the wide discretionary powers of the Prime Minister and the Principal Immigration Officer under the Act to strengthen relevant procedures.

Tongan Citizens (Passport Act (Cap. 61) and the Nationality Act (Cap. 5))

61. Power to prevent Tongan citizens from leaving the country by refusing the issuance of passports. This is covered generally in the Passport Act – the Minister of Foreign Affairs can refuse the issuance of a passport if he is not convinced that an applicant is of good character.

62. Power to prevent Tongan citizens already in possession of passports from leaving the country. Under the Act, Immigration can only prevent a person from leaving if that person owes Government any money or if Immigration has received a court order preventing the person from leaving the country.

63. Exchange of information held by the Passport Section on Tongan citizens with foreign governments (as there are no laws on privity of the person, such information can be shared).

Procedures for Strengthening Border Control Measures in Tonga

64. Computerisation of Immigration functions: Immigration now has in place a computer system, which captures the data on passports for all persons entering and departing the country.

65. A new system has also been adopted for Tongans who have been deported from overseas countries – in order to prevent such "undesirable citizens" from leaving Tonga. The passport of a deportee is confiscated upon their entry into Tonga and cancelled. The issuance of a new passport will be made following a review after two years of residence within Tonga.

66. In terms of training, the Government of Australia through its Department of Immigration & Multicultural Affairs (DIMA) and the Australian Federal Police (AFP) sponsored a border control course (the training of trainers). One of the main features of the training was document examination. Although Tonga does not have the sophisticated equipment to deal with thorough document examination – it has been given access to use the expertise of Australian document examiners.

67. The Immigration Division has also adopted a new visitor's visa regime for the majority of non-citizens visiting Tonga (which was effective 1 August 2002), and certain countries are required to obtain visas before entering Tonga. The visa free regime is made available to fifty-three countries only.

Procedures for Strengthening Cooperation Between Relevant Law Enforcement Agencies in Tonga

68. Tonga is considering establishing a national Combined Law Agency Group (CLAG) as supported by the South Pacific Chiefs of Police Conference, the Oceania Customs Organisation, the Pacific Immigration Directors Conference together with the Forum Regional Security Committee Meeting and the Pacific Island Forum Leaders. The benefits of developing a national CLAG framework include:

(a) more effective and efficient use of specialist skill and resources;

(b) greater coordination between agencies within a country, thereby better meeting Government outcomes and concerns;

(c) improved opportunity for networking, including the development of trusted working relationships;

(d) information exchange enabling amore accurate picture to be developed of new and emerging criminal threats;

(e) skills transfers between members of difference agencies;

(f) better understanding of the powers and capabilities of the various law enforcement agencies;

(g) full range of legislative responses available to be applied to criminal activities;

(h) greater ability to respond to new and emerging criminal threats that often cut across single jurisdictions; and

(i) assistance in addressing integrity issues.

69. Funding at a regional level has been provided to support the development of the CLAG concept in Tonga.

Procedures for Strengthening Exchange of Information and Cooperation Between Foreign Governments

70. The Immigration Division has established a good network of contacts with its corresponding immigration authorities in Australia, New Zealand, Fiji and the United States of America. They also have an active network with relevant immigration authorities in other Pacific countries.

71. The Pacific Immigration Director's Conference has a web site on which members can post immigration information – www.pidcsec.org.

72. The Principal Immigration Officer can use the discretionary power under the Immigration Act to ensure that non-citizens grant personal authorisation to the Immigration Division to make inquiries on the said citizen. The Principal Immigration Officer, under this Act, has the power to cancel a visa if information is received on an applicant (even if a visa has already been granted) at a later stage, which suggests that person is "undesirable" (pursuant to section 11).

New Immigration Legislation Delayed in Order to Address UNSCR 1373

73. There is new Immigration legislation pending, including a Passport and Nationality Act.

74. This new legislation was drafted before the events of 11 September 2001 and was withdrawn so as to be further reviewed to attain consistency between regional governments on terrorist matters.

Operative Paragraph 3

Sub-paragraph (a) - What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this sub-paragraph?

75. Tonga has contacts at a bilateral, regional and international level to intensify and accelerate the exchange of operational information in the areas indicated in this sub-paragraph.

76. The Ministry of Police have direct contact with other countries in the region, and internationally through INTERPOL.

77. The Customs and Immigration authorities have similar arrangements at the regional level, and were originally established to combat transnational crime as well as other comprehensive security issues and which are now included the priority area of terrorism.

Sub-paragraph (b) - What steps have been taken to exchange information and cooperate in the areas indicated in this sub-paragraph?

78. Tonga, as noted earlier, is a party to three of the twelve international treaties against terrorism and has incorporated the terrorist acts defined in them as serious offences in domestic legislation.

Sub-paragraph (c) - What steps have been taken to cooperate in the areas indicated in this sub-paragraph?

79. Tonga has legislation which provides for cooperation to take place with other countries as detailed in its reply to operative paragraph 2, sub-paragraph (f) (above).

Extradition

80. As noted in its reply to operative paragraph 2, sub-paragraph (f) (above), the Extradition Act provides, under section 5(1), that an offence of which a person is accused or has been convicted of in a designated country is a relevant offence if the offence however described is punishable both in Tonga and in the designated country concerned by imprisonment for a term of 2 years or more.

81. The list of extraditable crimes, as between Tonga and Germany, was supplemented, pursuant to Article III of an Agreement of 23 February 1960 (between Germany and the United Kingdom and which was applied to Tonga) to include hijacking of and endangering the safety of aircraft, crimes pursuant to the Convention of 14 December 1973 on the Prevention and Punishment of Crimes against Internationally Protected Persons, Including Diplomatic Agents, and all other crimes for which extradition may be granted under the law of the two contracting parties.

Sub-paragraph (d) - What are your Government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this sub-paragraph?

82. Tonga is party to three of the twelve international conventions against terrorism. Approval has been granted for Tonga to become a party to the remaining nine conventions. A summary of the status of each of the twelve conventions in tabulated below:

Terrorism Conventions	Status	Date of Accession
1. Convention on Offences and Certain Other Acts Committed on Board Aircraft 1963	Instrument of Accession forwarded on 8 February 2002	13 February 2002
2. Convention for the Suppression of Unlawful Seizure of Aircraft 1970		22 February 1977
3. Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation 1971		22 February 1977
4. Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents 1973	Approved by Privy Council on the 2 November 2002	

5. International Convention Against the Taking of Hostages 1979	Approved by Privy Council on the 2 November 2002	
6. Convention on the Physical Protection of Nuclear Materials 1980	Approved by Privy Council on the 2 November 2002	
7. Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation 1988	Approved by Privy Council on the 2 November 2002	
8. Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation 1988	Approved by Privy Council on the 2 November 2002	
9. Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf 1988	Approved by Privy Council on the 2 November 2002	
10. Convention on the Marking of Plastic Explosives for the Purpose of Detection 1991	Approved by Privy Council on the 2 November 2002	
11. International Convention for the Suppression of Terrorist Bombings 1997	Approved by Privy Council on the 2 November 2002	
12. International Convention for the Suppression of Financing of Terrorism 1999	Approved by Privy Council on the 2 November 2002	

83. Tonga expects to be a party to the nine remaining conventions before the end of 2002.

Sub-paragraph (f) - What legislation, procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status. Please supply examples of any relevant cases.

84. Tonga has had no cases of asylum seekers since 1 July 2002 or any reported cases prior to that time.

(a) The Immigration Act requires that all non citizens irrespective of their status as asylum seekers (over the age of 16) are to provide official documents certifying that they have no criminal record from the country of ordinary residence or from a country in which they have resided in over the last 5 years of over 6 months. (LEGAL) General power under section 9 of the Immigration Act for the Principal Immigration Officer to set conditions for applying for any permit to remain in Tonga. (ADMINISTRATIVE) The current forms for applying for any permit in Tonga includes the condition that police records are attached.

(b) The collaboration and sharing of information with relevant governments and organizations has proven to be one of the most effective tools for Tonga in ensuring that terrorists (including those using the process of an asylum seeker) to be kept out of the country. (LEGISLATION) Section 8(2)(g) gives power to the Prime Minister to exclude by declaration as a prohibited immigrant any non citizen who is deemed by the Prime Minister to be undesirable from any official information received by the Government.

(c) If a non citizen (including an asylum seeker) is not able to provide a police record from the relevant country, the Immigration Division has access to a variety of security networks (both domestic and international) for checking whether the person involved including an asylum seeker has taken part or been involved in terrorist activity.

Sub-paragraph (g) - What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures, which prevent claims of political motivation being recognised as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.

85. Section 6 (1)(a) of the Extradition Act prohibits the return of a person to a designated country or committed to or kept in custody for the purposes of such return, if the offence of which that person is accused or was convicted of is an offence of a political character.

86. The Extradition Act provides, under sections 5(a) to 5(c), the definition of what an offence of a political character does not include:

(a) an offence against the life or person of a Head of State or a [illegible]mber of his immediate family or any related offence;

(b) an offence against a Government Minister;

(c) murder or related offence;

(d) an act declared to constitute an offence under a multilateral international convention; and

(e) any offence as defined by the Genocide Act (Cap. 19).

87. Section 6 of the Act further defines, for the purpose of section 5, references to any related offence - attempting or conspiring to commit, assisting, procuring, counselling.

Operative paragraph 4

A. Other Activity

88. Tonga is a party to the Convention on the Prohibition of the Development, Production and Use of Chemical Weapons and on Their Destruction.

89. Work is currently being undertake by specialist regional law enforcement agencies to strengthen cooperation and intelligence sharing and examining the training, exchange of information and legislative requirements of UNSCR 1373 and the United Nations Convention Against Transnational Crime. The specialist regional law enforcement agencies have produced frameworks for compliance with UNSCR 1373 and to ratify the United Nations Convention Against Transnational Crime.

a. Specific Provisions – Financial Action Task Force (FATF) Special Recommendations:

90. Tonga fully supports the particular measures adopted by the FATF against money laundering.

91. In 2001, Tonga repealed the Offshore Banking Act 1984 (Cap. 110).

92. Tonga has received support from the International Monetary Fund and other bilateral donors for assessing its capabilities for introducing anti money laundering measures. Tonga is implementing the measures recommended including the creation of a Financial Intelligence Unit under the auspices of the NRBT.

93. Tonga has been working cooperatively with Pacific regional organisations and institutions to support strong regional coordination to address transnational criminal issues including drug transit and stockpiling; development of domestic drug problems; money laundering; illegal immigration scams and people trafficking; trafficking in firearms.

Counter Terrorism: Other matters

94. Tonga has a relatively straightforward organisation structure/administrative machinery, as central government agency has full responsibility for policing, immigration, customs, taxation and financial supervision and detailed as follows:

Police	Ministry of Police
Immigration Control	Ministry of Foreign Affairs
Customs	Ministry of Finance (Customs Department)

Taxation	Ministry of Finance (Inland Revenue Department)
Financial Supervision Authorities	NRBT (supervision of banks) Ministry of Labour, Commerce and Industries Development (regulation of business activity including competition) Ministry of Police (investigation of suspicious transactions and property reported by banks, financial institutions and others)

95. The coordination of the activities of these government agencies in relation to counter terrorism and to ensure full compliance with UNSCR 1373 is undertaken through an internal coordination system.

Conclusion

96. Tonga is committed to meeting its obligations under UNSCR 1373. A lot of effort has to date been made to fulfil the requirements and ensure compliance with it. In October 2002, the Criminal Offences (Amendment) Bill 2002 was introduced and passed by the Legislative Assembly to create the offence of terrorism by making it an offence under the Criminal Offences Act. In November 2002, the Privy Council approved that Tonga become a party to the remaining nine international counter terrorism conventions. Work is still ongoing with regards to enhancing cooperation domestically, regionally and internationally to facilitate full compliance with UNSCR 1373.

United Nations A/57/644–S/2002/1364

General Assembly
Security Council

Distr.: General
13 December 2002

Original: English

General Assembly
Fifty-seventh session
Agenda item 87
Environment and sustainable development

Security Council
Fifty-seventh year

Letter dated 12 December 2002 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to transmit herewith the English translation of a note verbale, dated 1 December 2002, from the Ministry of Foreign Affairs of the Islamic Republic of Iran addressed to the Embassy of the Transitional Islamic State of Afghanistan in Tehran (see annex), concerning the blockage of water flow in the Hirmand River, causing irreparable damage to the agriculture and animal husbandry in the Sistan region and the Hamun wetlands in the Islamic Republic of Iran.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under agenda item 87, and of the Security Council.

(*Signed*) M. Javad **Zarif**
Ambassador
Permanent Representative

02-74134 (E) 161202

Annex to the letter dated 12 December 2002 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

The Ministry of Foreign Affairs of the Islamic Republic of Iran presents its compliments to the Embassy of the Transitional Islamic State of Afghanistan in Tehran and, with reference to the note verbale dated 1 October 2002 from the Ministry of Foreign Affairs of the Embassy's respective Government concerning the flow of water towards Iran in the Hirmand River, has the honour to state the following:

The water started to flow, in a small quantity, into the territory of the Islamic Republic of Iran in the said river on 24 October 2002, but halted, once again, 15 days later. It should be recalled in this respect that the flow of water into the Islamic Republic of Iran in recent years has been much lower than the quota provided for in the 1973 Treaty on Hirmand. It has been completely blocked since 8 March 2000, causing enormous damage to the agriculture and animal husbandry in the region, and inflicting on its inhabitants major difficulties in obtaining their drinking-water supplies. Moreover, the internationally recognized wetland of Hamun has been completely dried out.

It should be emphasized that Afghanistan is under obligation, in accordance with the 1973 Treaty on Hirmand, to release 26 cubic metres of water per second into Iran on average. In the course of a joint inspection carried out by technical teams from Iran and Afghanistan to the Kajaki dam, in early September 2002, the two teams came to a joint conclusion that the flow of water at the hydrometric station at Dehrawud was 49 cubic metres per second and that the Kajaki dam had a considerable amount of water in its reservoir. Moreover, during the field observations conducted by the joint inspection team, the fact was established that the main cause of the water blockage was the closure of the gates at the Kajaki dam, which prevented the flow of water towards Iranian territory. Furthermore, information and evidence obtained through satellite photographs indicate that the amount of water in the upper reach of the Hirmand River and in the Kajaki dam has considerably increased in comparison to previous years, in particular since the joint inspections carried out in 2000 and 2002.

Therefore, the Islamic Republic of Iran expects Afghanistan, as a friendly country and on the basis of the good-neighbourly relations that exist between the two States, to implement the provisions of the 1973 Treaty concerning the sharing of Hirmand waters, as was emphasized by the heads of the two States in paragraph 3 of the instrument on cooperation between the two States signed on 27 February 2002 and underscored by the concerned authorities of Afghanistan, who signed the minutes of the meetings of the joint inspection team on 28 August 2002. Evidently, implementation of the 1973 Treaty will ameliorate, to a large extent, the unbearable living conditions of the inhabitants of the Sistan region and the Hamun wetlands caused by the blockage of the flow of water through the Hirmand River. Certainly, the sustained flow of water in the said river, in the quantity determined in accordance with the Treaty, will further strengthen the existing cordial relations between the two countries.

Considering the above-mentioned points and invoking article V of the 1973 Treaty on Hirmand, which stipulates "Afghanistan agrees that it shall take no action to deprive Iran totally or partially of its quota of the Hirmand water as fixed and defined by the provisions of articles II, III and IV of this Treaty", the Islamic Republic of Iran urges the Transitional Islamic State of Afghanistan to take all necessary measures to ensure the flow of water through the shared Parian River.

United Nations A/ES-10/207–S/2002/1365

General Assembly
Security Council

Distr.: General
13 December 2002

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-seventh year

Identical letters dated 13 December 2002 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Israel, the occupying Power, continues to use excessive and indiscriminate force against the civilian population under its occupation, committing war crimes, State terrorism and systematic human rights violations against the Palestinian people on a daily basis. Since my letter to you one week ago, the Israeli occupying forces have killed 16 men, women and children throughout the Occupied Palestinian Territory.

Following the Israeli attack on the Breij refugee camp in Gaza on 6 December, on Saturday, 7 December, the occupying forces shot and killed a Palestinian man, Abdelhady Al-Omari, in Jenin. The next day, 8 December, the occupying forces killed a Palestinian woman, Nahla Abdelrahman, age 41, and critically wounded two of her children as they were walking to their home in Rafah. The following day, 9 December, the Israeli occupying forces shot and killed a mentally ill Palestinian man near the city of Tulkarem. Tuesday, 10 December, witnessed the shooting and killing of a 25-year-old Palestinian woman, Rihaneh Al-Kilany, riding in a taxi in the Askar refugee camp in Nablus. On Wednesday, 11 December, the occupying forces committed yet another extrajudicial execution, with the killing of Osama Badra, age 27, as he fled for his life in the Balata refugee camp in Nablus. The next day, Thursday, 12 December, among those killed by the Israeli occupying forces were five Palestinian men, two brothers and three cousins from the same family, who were trying to climb a fence into Israel in a clearly desperate search for work. These killings were followed today by the extrajudicial execution of another Palestinian man near the city of Bethlehem.

In addition to the heinous killings of Palestinian civilians, the occupying forces have continued to carry out raids throughout Palestinian cities, towns, villages and refugee camps, abducting and detaining dozens of Palestinians in the past week alone. Moreover, the occupying Power has continued to carry out the illegal practice of home demolitions in the Occupied Palestinian Territory. Just today, the occupying

02-74111 (E) 161202

forces destroyed three houses in the city of Al-Khalil. Such measures of collective punishment, similar to the killing and injury of Palestinians by the occupying forces, are being carried out on a daily basis. This has included the continuing imposition of severe restrictions on the movement of persons and goods, including the imposition of 24-hour curfews on several cities, towns and refugee camps. As repeatedly reported, these restrictions and curfews have completely debilitated Palestinian society in all areas and have gravely impacted the socio-economic situation in the Occupied Palestinian Territory, a situation that has plummeted to the level of a dire humanitarian crisis for months now.

As a backdrop to the poverty and hunger that have been rapidly increasing among the Palestinian population under Israeli occupation, several United Nations agencies and other humanitarian organizations continue to work to provide assistance to needy and impoverished Palestinians. Their work is not without challenges and obstacles as the occupying forces continue to hamper their work, subjecting them to severe restrictions on movement, at times even preventing the assistance from reaching those in need, harassing personnel and creating other obstacles to their work in the Occupied Palestinian Territory. Indeed, the United Nations in particular continues to be a target of Israeli violence and destruction. In addition to the recent killing of personnel of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), in a recent strike carried out in Beit Lahiya in Gaza, the occupying forces deliberately demolished a warehouse used by the United Nations World Food Programme (WFP). That warehouse, which was clearly marked with the United Nations and WFP insignias, contained 537 metric tons of donated food supplies intended for distribution to needy Palestinians. According to the Agency, the food was enough to feed at least 38,000 people for a month. The destruction of these humanitarian supplies is deplorable and can only compound the difficulties being faced by humanitarian agencies in their efforts to alleviate the suffering of the Palestinian people.

We once again reiterate the urgent need for the international community to take action to address all of the above-mentioned serious violations and grave breaches of international law and international humanitarian law being committed by the occupying Power against the Palestinian people. We urge the Security Council to uphold its duties for the maintenance of international peace and security. The Council cannot continue to evade its responsibility to take measures to bring an end to the continuing Israeli crimes against the Palestinian people.

In follow-up to my previous 148 letters to you regarding the crisis in the Occupied Palestinian Territory, including Jerusalem, dated from 29 September 2000 to 3 December 2002 (A/55/432-S/2000/921; A/55/437-S/2000/930; A/55/450-S/2000/957; A/55/466-S/2000/971; A/55/474-S/2000/984; A/55/490-S/2000/993; A/ES-10/39-S/2000/1015; A/ES-10/40-S/2000/1025; A/ES-10/42-S/2000/1068; A/ES-10/43-S/2000/1078; A/ES-10/44-S/2000/1093; A/ES-10/45-S/2000/1104; A/ES-10/46-S/2000/1107; A/ES-10/47-S/2000/1116; A/ES-10/48-S/2000/1129; A/ES-10/49-S/2000/1154; A/ES-10/50-S/2000/1173; A/ES-10/51-S/2000/1185; A/ES-10/52-S/2000/1206; A/ES-10/53-S/2000/1247; A/ES-10/54-S/2001/7; A/ES-10/55-S/2001/33; A/ES-10/56-S/2001/50; A/ES-10/57-S/2001/101; A/ES-10/58-S/2001/131; A/ES-10/59-S/2001/156; A/ES-10/60-S/2001/175; A/ES-10/61-S/2001/189; A/ES-10/64-S/2001/209; A/ES-10/65-S/2001/226; A/ES-10/66-S/2001/239; A/ES-10/67-S/2001/255; A/ES-10/68-S/2001/284; A/ES-10/69-S/2001/295; A/ES-10/70-S/2001/304; A/ES-10/71-S/2001/314;

A/ES-10/72-S/2001/332; A/ES-10/75-S/2001/352; A/ES-10/76-S/2001/372; A/ES-10/79-S/2001/418; A/ES-10/80-S/2001/432; A/ES-10/81-S/2001/447; A/ES-10/82-S/2001/463; A/ES-10/83-S/2001/471; A/ES-10/84-S/2001/479; A/ES-10/85-S/2001/486; A/ES-10/86-S/2001/496; A/ES-10/87-S/2001/504; A/ES-10/88-S/2001/508; A/ES-10/89-S/2001/544; A/ES-10/90-S/2001/586; A/ES-10/91-S/2001/605; A/ES-10/92-S/2001/629; A/ES-10/93-S/2001/657; A/ES-10/94-S/2001/669; A/ES-10/95-S/2001/686; A/ES-10/96-S/2001/697; A/ES-10/97-S/2001/708; A/ES-10/98-S/2001/717; A/ES-10/99-S/2001/742; A/ES-10/100-S/2001/754; A/ES-10/101-S/2001/783; A/ES-10/102-S/2001/785; A/ES-10/103-S/2001/798; A/ES-10/104-S/2001/812; A/ES-10/105-S/2001/814; A/ES-10/107-S/2001/821; A/ES-10/108-S/2001/826; A/ES-10/111-S/2001/880; A/ES-10/112-S/2001/918; A/ES-10/114-S/2001/928; A/ES-10/115-S/2001/932; A/ES-10/116-S/2001/941; A/ES-10/117-S/2001/971; A/ES-10/118-S/2001/989; A/ES-10/119-S/2001/991; A/ES-10/121-S/2001/1007; A/ES-10/122-S/2001/1024; A/ES-10/123-S/2001/1036; A/ES-10/124-S/2001/1084; A/ES-10/125-S/2001/1092; A/ES-10/126-S/2001/1118; A/ES-10/128-S/2001/1149; A/ES-10/129-S/2001/1166; A/ES-10/133-S/2001/1239; A/ES-10/134-S/2001/1261; A/ES-10/136-S/2002/18; A/ES-10/137-S/2002/39; A/ES-10/138-S/2002/48; A/ES-10/139-S/2002/58; A/ES-10/140-S/2002/89; A/ES-10/141-S/2002/95; A/ES-10/142-S/2002/102; A/ES-10/143-S/2002/121; A/ES-10/144-S/2002/142; A/ES-10/145-S/2002/146; A/ES-10/146-S/2002/165; A/ES-10/147-S/2002/175; A/ES-10/148-S/2002/182; A/ES-10/149-S/2002/186; A/ES-10/150-S/2002/214; A/ES-10/151-S/2002/223; A/ES-10/152-S/2002/232; A/ES-10/154-S/2002/242; A/ES-10/155-S/2002/248; A/ES-10/156-S/2002/245; A/ES-10/157-S/2002/253; A/ES-10/158-S/2002/258; A/ES-10/159-S/2002/281; A/ES-10/160-S/2002/307; A/ES-10/161-S/2002/319; A/ES-10/162-S/2002/330; A/ES-10/163-S/2002/340; A/ES-10/164-S/2002/353; A/ES-10/165-S/2002/361; A/ES-10/166-S/2002/370; A/ES-10/167-S/2002/433; A/ES-10/168-S/2002/474; A/ES-10/169-S/2002/495; A/ES-10/173-S/2002/536; A/ES-10/174-S/2002/555; A/ES-10/175-S/2002/610; A/ES-10/176-S/2002/617; A/ES-10/177-S/2002/641; A/ES-10/178-S/2002/650; A/ES-10/179-S/2002/654; A/ES-10/180-S/2002/686; A/ES-10/181-S/2002/697; A/ES-10/182-S/2002/699; A/ES-10/183-S/2002/717; A/ES-10/184-S/2002/738; A/ES-10/185-S/2002/827; A/ES-10/190-S/2002/891; A/ES-10/192-S/2002/976; A/ES-10/193-S/2002/983; A/ES-10/194-S/2002/1052; A/ES-10/195-S/2002/1066; A/ES-10/196-S/2002/1083; A/ES-10/197-S/2002/1094; A/ES-10/198-S/2002/1104; A/ES-10/199-S/2002/1114; A/ES-10/200-S/2002/1144; A/ES-10/201-S/2002/1166; A/ES-10/202-S/2002/1244; A/ES-10/203-S/2002/1270; A/ES-10/204-S/2002/1298; A/ES-10/205-S/2002/1319; and A/ES-10/206-S/2002/1336), I regret to inform you that, since my last letter to you, at least 16 Palestinians have been killed by the Israeli occupying forces. This raises the total number of Palestinian martyrs killed since 28 September 2000 to 1,994. (The names of the martyrs that have been identified thus far are contained in the annex to the present letter.)

I would be grateful if you would arrange to have the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

Annex to the identical letters dated 13 December 2002 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by Israeli occupying forces in the Occupied Palestinian Territory, including Jerusalem* (Saturday, 7 December to Friday, 13 December 2002)

Saturday, 7 December 2002

Abdelhady Omar Najib Al-Omari

Sunday, 8 December 2002

Nahla Abdelrahman

Monday, 9 December 2002

1. Ahmed Abdelkarim Al-Mijaydeh (17 years old) (died from wounds sustained on 24 August)
2. Basil Mustafa Mohammed Ko'a
3. Azam Abdelqader Hassan Alawneh

Tuesday, 10 December 2002

1. Rihaneh Hisham Fakhri Zeid Al-Kilany
2. Yaseen Sa'eed Al-Agha

Wednesday, 11 December 2002

Osama Hassan Ali Badra

Thursday, 12 December 2002

1. Nael Mohammed Abu Libdeh
2. Mohammed Adel Al-Astal
3. Asaf Adel Al-Astal
4. Mohammed Fahmy Al-Astal
5. Ahmed Faris Al-Astal
6. Ahmed Ayesh Al-Astal

Friday, 13 December 2002

1. Jadallah Musa Shukeh
2. Bassam Mohammed Al-Breem

* The total number of Palestinian martyrs killed by Israeli occupying forces since 28 September 2000 is 1,994.

United Nations S/2002/1366

Security Council

Distr.: General
16 December 2002
English
Original: Arabic

Identical letters dated 13 December 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith the daily report for 12 December 2002 on the activities of the inspection teams of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) in Iraq (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed A. **Aldouri**
Permanent Representative

02-74466 (E) 191202 201202

Annex to the identical letters dated 13 December 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Security Council and to the President of the Security Council

Daily report on the activities of the UNMOVIC and IAEA inspection teams in Iraq

Daily activity report for 12 December 2002

The activities of the UNMOVIC and IAEA inspection teams on Thursday, 12 December 2002 were as follows:

I. UNMOVIC inspection team (biological weapons)

The team left the Canal Hotel at 8.40 a.m. It consisted of 13 inspectors led by Ms. Kay Mereish. The team went to the site of the Arab Company for Antibiotics Industry (ACAI), a company operating in Iraq. It is 35 kilometres to the south-east of Baghdad and is involved in scientific and technical tasks, manufacturing, and experiments related to the pharmaceutical industry and its major raw materials. The company's output currently includes several antibiotics. The company is one of the sites under the permanent monitoring and verification system, and submits declarations every six months. The inspection teams of the now defunct Special Commission had visited it on various occasions.

On reaching the premises at 9.10 a.m., the team was informed that the company was not normally in operation either on Thursday or on Friday. The leader of the inspection team asked to visit the site and said that the team would be content to enter the warehouses for which keys were available, and to look through the windows when keys were not available. The team visited the company's facilities, for all of which keys were available, and questioned the water and electrical technicians who were present. The team completed its work at 1.55 p.m. and reached the Canal Hotel at 2.30 p.m.

II. UNMOVIC inspection team (missiles)

The team left the Canal Hotel at 8.10 a.m. It consisted of nine inspectors led by Mr. William Julley. At 10.15 a.m., it reached a site 125 kilometres to the west of Baghdad, in order to witness a missile test. The team filmed the test and asked several questions, which were answered. The team completed its work at 11.15 a.m. and returned to the Canal Hotel at 1.30 p.m.

III. UNMOVIC inspection team (chemical weapons)

The team left the Canal Hotel at 9.15 a.m. It consisted of 17 inspectors led by Mr. Stiernlöf. It reached the site of the Ibn Sina company at 10 a.m., and held a meeting with its General Manager. It asked him a number of questions about the company's activities and production, and about the entities it served. The questions

covered the period between 1998 and the present time. They were all answered. The team later divided into four groups, which inspected facilities throughout the company, as well as its computers. It carefully checked the site's declarations on dual-use chemical equipment and material, and the declarations on biological material subject to monitoring and verification. It completed its work at 4.30 p.m. and returned to the Canal Hotel at 5.50 p.m.

IV. IAEA inspection team

The IAEA inspection team divided into four groups, as follows:

Group I: This group left the Canal Hotel at 8.10 a.m. It consisted of three inspectors led by Mr. George Haley. At 9.05 a.m. it arrived at the Ibn Sina company, situated 35 kilometres to the north of Baghdad, which is one of the enterprises of the Military Industry Authority. It specializes in research into industrial chemistry and in the preparation of organic and inorganic raw materials needed by Iraq's civilian industries. It provides chemical-analysis services to client entities such as universities and research centres. It is one of the declared sites and was visited on many occasions by inspection teams from the now defunct Special Commission. The group held a meeting with the General Manager of the company and sought clarification on its activities. He duly provided clarification. The group went on to inspect the company's plants, sections and buildings, and to check the seals on equipment under permanent monitoring and verification. It also took measurements in one area. It finished its work at 3.10 p.m. and returned to the Canal Hotel at 5.10 p.m.

Group II: This group left the Canal Hotel at 8.30 a.m. It consisted of two inspectors led by Mr. Gennady Bashkin. It reached the Ibn Sina company at 9.40 a.m. It used portable devices for comprehensive measurements of radioactivity at the company's facilities and all its roads, so as to detect any possible radioactivity. It completed its work at noon and returned to the Canal Hotel at 12.55 p.m.

Group III: The group left the Canal Hotel at 8.30 a.m. It consisted of six inspectors led by Mr. Philip Caulfield. It went to Al-Nida, a State-owned enterprise in the Za'franiyah region on the outskirts of the eastern section of Baghdad. Al-Nida comes under the Military Industry Authority, specializes in manufacturing dies and serves the industrial and railway sectors. It also produces spare parts for the pharmaceutical industry. It is one of the sites that were subject to permanent monitoring and verification, and it was bombed by the United States of America and the United Kingdom of Great Britain and Northern Ireland twice, on 17 January 1993 and between 16 and 20 December 1998. The group met with the Deputy General Manager and requested clarifications on the company's activities, its sub-units and the locations where equipment destroyed during the December 1998 attack is stored. The group went on to tour all the company's sections and plants, and checked the IAEA seals on machinery. It completed its work at 12.30 p.m. and moved on to another site.

At 11.35 a.m., the group arrived at the Khazin Centre, in the same region, one of the centres coming under the Military Industry Authority. It specializes in electrical engineering designs and serves the industrial and electricity sectors. The group met with the Centre's Director and requested clarifications concerning the Centre's current activities and the entities it serves. Satisfactory clarifications were provided. The group went on to conduct a general tour of the Centre's building and its various workshops. It completed its work at 1.05 p.m. and moved on to another site.

At 1.10 p.m., it arrived at the Thawrah enterprise in the same region. This enterprise comes under the Military Industry Authority, specializes in the manufacture of circuit boards and serves the electricity and industrial sectors. The group met with the General Manager, who gave an overview of the enterprise and its activities and operations, and of the entities it serves. The group went on to conduct an inspection tour of the various sections of the enterprise. It completed its work at 2.35 p.m. and returned to the Canal Hotel at 2.55 p.m.

Group IV: The group left the Canal Hotel at 8.30 a.m. It consisted of 11 inspectors led by Mr. Robert Kelly. At 9.55 a.m., it arrived at the Mu'tasim plant, 75 kilometres to the south of Baghdad. The plant belongs to the Rashid State enterprise, one of the corporations of the Military Industry Authority. It specializes in testing the engines of missiles having a range authorized by Security Council resolutions. The site was subject to permanent monitoring and verification, and was visited by inspection teams of the now defunct Special Commission on many occasions. The group held a meeting with the Director and requested clarifications on the plant's activities. It took environmental samples of various types, water samples, soil samples and plant samples. It completed its work at 3.15 p.m. and returned to the Canal Hotel at 4.15 p.m.

V. Communications team

At 9 a.m., one member of the communications team left the Canal Hotel for Rashid airfield, where he arrived at 9.20 a.m. He was accompanied by several Iraqi officials, and the communications tower was definitively consolidated. He completed his work at 12.30 p.m. and returned to the Canal Hotel at 12.47 p.m.

VI. Observations

Most of the sites inspected on that day by UNMOVIC and IAEA teams, including the Ibn Sina enterprise, were charged with conducting prohibited activities and manufacturing weapons of mass destruction in the report by the Prime Minister of the United Kingdom, Tony Blair, and in reports by the United States Government.

United Nations S/2002/1367

Security Council

Distr.: General
13 December 2002

Original: English

Report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peace-building Support Office in that country

I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1233 (1999) of 6 April 1999, by which the Council requested me to keep it regularly informed and to submit a report every 90 days on developments in Guinea-Bissau and on the activities of the United Nations Peace-building Support Office in Guinea-Bissau (UNOGBIS). Subsequently, the Security Council, at its informal consultations on 8 July 2002, requested me to submit a written report every six months.

2. The present report covers developments in the country since my previous report of 13 June 2002 (S/2002/662), and highlights the role of UNOGBIS in support of the post-conflict peace-building process.

II. Political developments

3. During the period under review, the constitutional impasse I described in my last report has, regrettably, persisted, generating in turn increased tensions among the various organs of government, especially between the executive, on the one hand, and the judiciary and the legislature on the other.

4. Tensions also deepened within the executive during the period, especially when the then Prime Minister, Alhamara N'Tchia Nhasse, publicly accused President Yalá of being the "sole person behind instability in the country". A crippling national confrontation was averted only after civil society leaders, military officers and my Representative in Guinea-Bissau worked with both leaders, who agreed to continue to cooperate in the national interest.

5. Meanwhile, several prominent opposition politicians as well as some journalists and civil society leaders known to be critical of government policies and practices have continued to complain of heightened harassment by security officials. President Yalá himself was criticized for contributing to this atmosphere of generalized apprehensions and tension when, on 24 September 2002, during the public celebration of the anniversary of the country's independence, he levelled strong personal criticism against a key opposition leader.

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6. It was against the background of this increasingly volatile political climate that the President, on 15 November 2002, following consultations with the National Assembly and the Council of State, dismissed the Government of Prime Minister Nhasse and dissolved Parliament, announcing at the same time early legislative elections within 90 days of the decree's official publication. He said he had acted within the framework of the Constitution because the prevailing situation, in his view, was indicative of a political, financial and economic crisis.

7. The major opposition parties did not dispute the President's move and, in a joint statement issued on 16 November 2002, supported his decision to bring forward legislative elections, which would normally have been held in November 2003. However, they called upon the international community to provide financial support, as well as large numbers of electoral observers, in order to ensure free and fair polls. They also pressed President Yalá to organize urgent elections for the posts of President and Vice-President of the Supreme Court of Justice, as he had promised on 31 October 2002.

8. President Yalá named Mario Pires as the new Prime Minister on 16 November. On 18 November, Prime Minister Pires announced the composition of a 20-member Cabinet, in which the Ministers of Finance, Health, Internal Administration and Justice had been retained. Dominated by the President's party, the Partido da Renovação Social (PRS), the new Government's political base is seen as greatly narrowed and as reflecting the President's determination to consolidate his grip on power.

9. Throughout the often challenging and hectic events during the period under review, my Representative remained in close consultation with a wide spectrum of political, civil society and religious leaders, urging them to exercise maximum restraint and to pursue dialogue in seeking a solution to the country's problems.

10. On a more positive note, relations between Guinea-Bissau and the Gambia have returned to normal after tensions developed in June 2002 over allegations by President Yalá that his opponents were preparing an attack from Gambian territory. The improvement in relations was facilitated by visits to the two countries, in July and August 2002, and to the Chairman of the Economic Community of West African States, President Wade of Senegal, by my Special Envoy, Ambassador James Victor Gbeho, whose efforts contributed to the restoration of direct bilateral cooperation between Guinea-Bissau and the Gambia.

11. Constructive cooperation with other African partners also continued to progress during the period, with President Ahmed Tejan Kabbah of Sierra Leone and President Joaquim Chissano of Mozambique visiting Guinea-Bissau in October and November respectively, and President Yalá travelling to the Libyan Arab Jamahiriya, Morocco, Guinea, Senegal and Togo in November, following a visit to the Gambia in September.

III. Military and security aspects

12. The general security situation has been affected by the overall political climate, leading to repeated reports of alleged coup plots. The military authorities have also, on several occasions, been called upon to mediate between the President

and the Prime Minister, and have repeatedly reaffirmed their loyalty to the democratic institutions of the Republic.

13. The demobilization phase of the Government's Programme of Demobilization, Reinsertion and Reintegration, administered by a multi-donor trust fund managed by the World Bank, has now ended. About 4,500 out of 16,000 ex-combatants and other military personnel who participated in this phase have been demobilized. Due to budgetary constraints, not every candidate who expressed interest was included in the programme.

14. The total cost of the programme is estimated at US$ 19.6 million. As the Government has yet to make its agreed contribution of $10.8 million, the World Bank has suggested that another World Bank project, the Private Sector Rehabilitation and Development Programme, be restructured to free some $5.2 million to help finance the reintegration and reinsertion phases of the programme.

15. As demining continues, 2,899 mines and 13,333 items of unexploded ordnance, including bombs, rockets, shells and grenades, have been destroyed, mainly at Ilondé, 15 kilometres west of Bissau. The National Commission for Humanitarian Demining (CNDH) now plans to give priority to the mapping and destruction of old and abandoned armouries and weapons storage facilities.

16. With financial support from the Government of the Netherlands, efforts have been initiated to set up an official mechanism to coordinate action to collect small arms, which continue to circulate within the civilian population, threatening public law and order.

IV. Human rights aspects

17. UNOGBIS has continued to maintain ongoing dialogue with the authorities, judicial organs, defence and security forces and members of civil society on the protection and promotion of human rights in Guinea-Bissau.

18. As a result of a general amnesty granted by President Yalá in June 2002, there are currently no political detainees in Guinea-Bissau. The Government has also ratified the International Labour Organization Worst Forms of Child Labour Convention and established, with support from the Office of the United Nations High Commissioner for Refugees, a National Refugee Commission.

19. Concern remains, however, over persistent reports of intimidation by security personnel of opposition political leaders, human rights activists and journalists, some of whom have been detained for brief periods for criticizing the President. Violence against women also remains largely unpunished.

20. Although donors have continued to provide material and financial support, the justice system continues to experience serious operational shortcomings, due in particular to logistic and capacity constraints. Consequently, military camps and police stations are being used as prisons and traditional leaders and police officers are resorting increasingly to an informal system of justice that is largely arbitrary and devoid of due process.

21. To help strengthen the capacity of state institutions to uphold the rule of law and promote respect for human rights, UNOGBIS, in partnership with the United Nations Development Programme (UNDP), organized a series of human rights

training seminars during the period. To that end, the training of trainers seminar held in Bissau from 29 to 31 July brought together 50 officers to prepare them to conduct training on respect for human rights among the military. A similar training exercise was conducted for 70 representatives of 30 women's organizations to sensitize women on the protection of their economic, social and cultural rights. From 15 to 17 August, a special human rights seminar was organized in the Gabú region for 70 participants, including the governors and military commanders of the eight administrative regions and 54 sector administrators, to enable them to integrate the human rights dimension into their daily work. From 16 to 19 September, UNOGBIS organized a seminar to train 65 magistrates and lawyers in the use of international human rights standards and principles related to impartial and independent trials. Another workshop, held from 10 to 13 September, was designed to provide 40 members of Parliament with the skills and technical expertise to improve their capacity in elaborating laws and harmonizing national legislation with international human rights law. The various human rights seminars were funded from the UNOGBIS Trust Fund and from financial support provided by the United States Agency for International Development.

V. Economic and social aspects

22. Guinea-Bissau's socio-economic situation remains critical, with rising levels of social tension due to widespread unemployment and months of unpaid salary arrears. Declining revenues from cashew nuts and fishery, the country's main income-generating sectors, have further decreased the Government's capacity to pay salaries and service the external debt.

23. In November 2002, review missions from the World Bank, the International Monetary Fund (IMF) and the West African Monetary Union visited the country with a view to exploring possibilities of providing urgent assistance to the Government to address some of its most immediate priorities.

24. According to the IMF mission, which plans to return in early 2003 for a further review, the Ministry of Economy and Finance has made good progress in improving detailed revenue and expenditure accounts, but it could benefit from assistance in the collection of macro-economic statistics, a review of the tax system and improvements in the external debt reporting system. The mission also urged the Government to complete the Poverty Reduction Strategy Paper at the earliest opportunity.

25. To promote dialogue between Guinea-Bissau and its main partners and to explore further ways of assisting the country in meeting its multiple peace-building challenges, UNOGBIS, in cooperation with UNDP, organized in Bissau, on 11 November 2002, a quadripartite consultation which was attended by government officials, representatives of seven bilateral donor countries and the United Nations system, including IMF, and members of the Ad Hoc Advisory Group of the Economic and Social Council on Guinea-Bissau, which visited Guinea-Bissau from 9 to 16 November. The meeting revealed, among other things, that in deciding whether or not to re-engage in Guinea-Bissau, donors would be looking for evidence of political stability and political will, as well as a development vision, and the demonstrated capacity to carry out development goals. The meeting also agreed that ways needed to be found to increase help to the people of Guinea-Bissau. To that

end, UNDP is working closely with the Government and development partners to finalize preparations for a new round table aimed at catalysing longer-term resources to enhance the Government's capacity to deliver on its development goals which, in turn, would contribute to building peace and stability in the country.

26. UNOGBIS, in cooperation with the other members of the United Nations country team, continues to assist the Government as it strives to meet its priority social challenges. To that end, the country team has focused great attention on alleviating the problems faced by women, *who* despite playing a central role at the family and community levels, continue to face gender bias restricting access to jobs, education, housing and other social services. In this connection, UNOGBIS has been working closely with the Government's Institute for Women and Children as well as with the Federation of Women of Guinea-Bissau, an NGO which brings together 15 women's organizations from across the country. United Nations agencies and programmes are also devoting priority support to children and to that end are providing school meals in the eight administrative regions and backing practical efforts to increase the enrolment of girls in school. The United Nations Population Fund is helping to set up a multi-functional centre for youth and adolescents in Bissau to, among other programmes, provide an opportunity for young people to acquire computer skills.

27. With regard to the food situation, domestic production of cereals is still insufficient to meet internal consumption needs and this year's rainfall deficit has significantly affected agricultural output. To help cover the shortfall, the World Food Programme, from January to October 2002, distributed nearly 3,000 metric tons of food to 114,497 beneficiaries.

VI. Observations

28. The political, economic and social situation in Guinea-Bissau continues to be of great concern. Although there has been no resort to violence and it is clear that the people of Guinea-Bissau, whatever their political convictions, are united in their desire for peace, I regret to report that political developments since my last report have not been encouraging. The Constitution has still not been promulgated and constant changes of ministers have contributed to the increasing instability in the country.

29. Following the President's decision in November to dissolve the National Assembly and to dismiss the Government of Prime Minister Nhasse, the new Government that has been put in place is essentially a caretaker administration, with little constitutional or operational capacity since the Assembly is in abeyance until after the elections and given the overall atmosphere of political and socio-economic tensions. Moreover, the judiciary remains weak and, because appointments to the Supreme Court have been made by presidential decree rather than by election from among the judges, the Court cannot be said to be independent.

30. Urgent action is therefore necessary to restore the checks and balances and separation of powers that are necessary in a democracy. I urge President Yalá to move purposefully towards the promulgation of the Constitution so that no institution may interpret constitutional provisions in its own interest or to its advantage. This is especially important at a time when the country is moving towards holding early legislative elections.

31. I believe the international community should respond favourably to any request the Government of Guinea-Bissau may make for assistance in organizing and holding the legislative elections. Such support would not only help ensure that the polling takes place in a transparent and fair manner, but also contribute to the consolidation of Guinea-Bissau's still fragile democracy.

32. I welcome the President's recent commitment to organize elections to the posts of President and Vice-President of the Supreme Court, and I hope they can take place with the minimum of delay. Because of the crucial role of the President of the Supreme Court in certifying and supervising elections, it is vital that elections to the Supreme Court be organized in advance of the legislative elections.

33. It is clear that Guinea-Bissau is in acute financial and economic difficulty. Encouragingly, IMF, noting some improvements in financial management, suggested some concrete steps that the Government and the international community might take together to help remedy the situation, despite the fact that agreement could not be reached between IMF and the Government on a formal programme. Given the urgency of the situation, it is evident that Guinea-Bissau needs short-term emergency aid as well as a clearly defined longer-term development strategy.

34. I welcome the work of the Ad Hoc Advisory Group of the Economic and Social Council on Guinea-Bissau, recently established at the request of the Government of Guinea-Bissau, as an innovative mechanism of cooperation between the Security Council and the Economic and Social Council on countries in a post-conflict peace-building phase. I hope that the report of the Group's recent mission to the country will provide the basis for a serious and constructive dialogue between Guinea-Bissau and the international community, with a view to solving the political, economic and development challenges confronting Guinea-Bissau.

35. Finally, I should like to pay tribute to my Representative, Mr. David Stephen, the staff of UNOGBIS and the United Nations country team for their dedicated contributions to the peace-building efforts of the Government and the people of Guinea-Bissau.

United Nations S/2002/1368

Security Council

Distr.: General
17 December 2002

Original: English

Draft resolution

The Security Council,

Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force of 4 December 2002 (S/2002/1328), and also reaffirming its resolution 1308 (2000) of 17 July 2000,

1. *Calls upon* the parties concerned to implement immediately its resolution 338 (1973) of 22 October 1973;

2. *Decides* to renew the mandate of the United Nations Disengagement Observer Force for a period of six months, that is, until 30 June 2003;

3. *Requests* the Secretary-General to submit, at the end of this period, a report on the developments in the situation and the measures taken to implement resolution 338 (1973).

02-74509 (E) 171202

United Nations S/2002/1369

Security Council

Distr.: General
14 December 2002

Original: English

Letter dated 12 December 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 3 September 2002 (S/2002/993).

The Counter-Terrorism Committee has received the attached supplementary report from Jamaica, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its attachment to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 9 December 2002 from the Permanent Representative of Jamaica to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

In accordance with instructions from my Government, I have the honour to forward herewith, pursuant to your letter dated 27 August 2002, a copy of the report of Jamaica, which provides information on points raised by the Counter-Terrorism Committee (see enclosure).

The Government of Jamaica reaffirms its cooperation in providing the Committee with further reports or information as necessary or if so requested by the Committee.

(*Signed*) Stafford O. **Neil**
Ambassador
Permanent Representative

Enclosure

Report of the Government of Jamaica to the Counter-Terrorism Committee

Response to preliminary comments/questions posed by the Committee

Sub-paragraph 1(a)

Are natural or legal persons other than financial institutions (e.g. attorneys, notaries) required to report suspicious transactions that might be linked to terrorist activities to the public authorities? If so, what penalties apply to persons who omit to report either willfully or by negligence?

Currently, legislation obliges only financial institutions to report suspicious transactions. Until the relevant amendments are made to the Money Laundering Act and the proposed Terrorism Prevention Bill is passed, there is no obligation to report suspicious transactions that might be linked to terrorist activities.

Consideration is being given as to whether reporting obligations should be imposed on natural persons (e.g. attorneys at law etc.) in "gatekeeper occupations".

Have the terms "unusual business transaction" and "unusual patterns of transactions", which appear in section 6B (1) of "The Money Laundering Act" as amended by Act 14 of 1999, been defined or interpreted by way of regulation or otherwise?

The terms "unusual business transactions" and "unusual patterns of transactions" which appear in s. 6b(1) of the Money Laundering Act have not been judicially interpreted.

Currently, the relevant competent authority regulating the various financial institutions provides guidelines and examples of what may constitutes a suspicious transaction.

Do informal banking networks exist in Jamaica? Please outline the legal provisions regulating them, if any.

Informal banking networks do not exist in Jamaica and therefore, there are no legal provisions regulating them.

Does Jamaica intend to add acts of terrorism to the list of predicate offences in "The Money Laundering Act"?

Yes, Jamaica intends to add acts of terrorism to the list of predicate offences in the Money Laundering Act so as to widen the application of this Act to cover such offences.

Sub-paragraphs 1 (b) and (c):

Since Jamaica has signed the International Convention for the Suppression of the Financing of Terrorism, the CTC would be grateful to receive a progress report regarding any proposed amendments to implement that Convention, especially as regards Articles 2, 4 and 8 (1).

The International Convention for the Suppression and Financing of Terrorism, particularly Articles 2, 4 and 8(1), will be implemented by provisions in anticipated terrorism legislation. Presently, a draft Bill

entitled "the Prevention Against Terrorism Act" is under consideration by the Legal Working Group of the Inter-Ministerial Committee on Anti-Terrorism Measures.

Please provide the CTC with a progress report regarding the amendments of the "Drug Offences (Forfeiture of Proceeds) Act" which are envisaged in order to implement sub-paragraph 1 (c) of the Resolution.

The freezing of assets of persons who commit, attempt to commit or participate in terrorist acts will be achieved through the provision of ' restraint' orders in the proposed Terrorism Prevention Act.

Amendments to the Drug Offences (Forfeiture of Proceeds) Act are also being pursued as part of the comprehensive review and amendment of legislation complimentary to the Terrorism Prevention Bill.

Sub-Paragraph 1 (d)

Please provide the CTC with a progress report on the legislative measures currently under consideration in order to implement this sub-paragraph.

The Legislative measure currently under consideration for the implementation of sub-paragraph 1(d) of Resolution 1373 is the Terrorism Prevention Bill.

How does the financial tracking system ensure that funds receive by associations are not diverted from their states purposes to terrorist activities?

At present, Jamaica does not have a " financial tracking system" in place to ensure that funds received by associations are not diverted from their stated purposes to terrorist activities. At present the law imposes a duty to report on financial institutions under the Money Laundering Act. The duty to report, in this regard, will be imposed by the Terrorist Prevention Act when passed and will be reinforced by consequential amendments to the Money Laundering Act.

Sub-Paragraph 2 (a)

Please describe how the prohibition of the acquisition of firearms and explosives is implemented in law as well as in practice in Jamaica.

Firearms and Ammunition

Firearms may not be sold in Jamaica without the vendor having a Firearm Dealers Licence. Sale of firearms without the relevant license is an offence attracting a maximum term of 12 months at hard labour or fine.

Possession of a firearm is permissible only in accordance with the terms of a Firearm's Holder License. Once the licence is revoked or expires the firearm is deemed a prohibited weapon.

In order to obtain a Firearm Holders Permit and the import permit, application is first made through the Divisional Headquarters of the Police station in the area of the applicant's residence. The Import Licence is granted by the Trade Commission on the approval of the application by the Minister of National Security. The import licence stipulates the specific make and serial number of the firearm(s) being imported.

When the firearm arrives in Jamaica it is held by Customs Department, where on payment of the relevant duties and on satisfaction that the firearm description in the licence is consistent with the imported firearm, it is released to the licensed firearm holder. If the details do not correspond to those specified in the licence, then the importer has imported a gun illegally.

The Drug Offences (Forfeiture of Proceeds) Act provides for the forfeiture of any property of any property used in connection with firearms trafficking as well as any property derived therefrom.

Explosives

Jamaica has several pieces of legislation that regulates the importation of explosives: The Explosives (Control of Manufacture) Act, Explosives (Sale of Deposited Stores) Act, and the Gunpowder and Explosives Act.

The importation or possession of 'dangerous explosives' is prohibited unless possession or importation is pursuant to a license granted by the Minister. The licence strictly stipulates the quantities, place of storage and use of the explosives. Similar provisions exist in relation to gunpowder.

Customs at the port of importation does not allow the consignment to leave its custody unless satisfied that the consignment is consistent with the terms of the import licence and proper arrangements are in place for the transport and security of the explosives.

Applications for import licences are processed by the Ministry of National Security.

How does Jamaica control the import and export of weapons both in law and in practice?

The import and export of weapons is regulated by the Firearms Act. Jamaica has also signed the Inter-American Convention Against Illicit Manufacture and Trafficking in Firearms and the Protocol to the UN Convention on Transnational Organized Crime on the Illicit Manufacture, Sale and Trafficking in Firearms. Legislation will be amended to implement these instruments thereby strengthening control over firearms.

The Customs Act prohibits the importation of firearms or ammunition without the permission of the Commissioner of Customs. Firearms may not be exported without the permission of the Minister of National Security.

The importation, exportation and transshipment of firearms is strictly regulated under the Firearms Act. Participation in any of these activities requires the relevant permit or license and there must be adherence to the stipulations therein. Breach of these provisions may result in a maximum sentence of imprisonment for life with, or without, hard labour under the Firearms Act.

Travelers are required to declare any firearms and or ammunition, and in the absence of a firearms permit, the firearm must either be retained on the vessel or delivered to a customs officer in a sealed packet for keeping until the traveler departs. The firearm will be returned at the time of departure on the payment of customs duty or on the production of a valid firearms import permit.

Rarely, are travelers given permission to bring in a firearm. However, when permission is given, for example, a security detail for Heads of State, prior approval is necessary and the firearms and ammunition brought in must correspond with the information provided for which the permission was granted. On leaving the jurisdiction, the firearms and ammunition are examined to ensure that what entered the country is what is leaving.

What are the penalties provided for in Jamaica' s criminal legislation for the recruitment of members of terrorist groups?

The proposed draft terrorism prevention Bill will address this issue.

Please outline the measures, both legislative and practical, preventing entities and individuals from recruiting, collecting funds or soliciting other forms of support for terrorist activities to be carried out inside or outside Jamaica, including, in particular:

- ***the carrying out, within or from Jamaica, of recruiting, collecting of funds and soliciting of other forms of support from other countries; and***

- ***deceptive activities such as recruitment based on a representation to the recruit that the purpose of the recruitment is one (eg. teaching) different from the true purpose and collection of funds through front organizations.***

Currently, there is no legislation in place prohibiting or preventing entities or individuals recruiting (whether by deceptive means or otherwise) , collecting or soliciting funds or other forms of support for terrorist activities whether to be performed inside or outside Jamaica. This matter will also be addressed in the proposed anti-terrorism legislation.

Sub-paragraph 2(b)

Apart from the Jamaica Constabulary Force, which are the authorities, if any, responsible for providing early warning to other States?

The Jamaica Defense Force is responsible for providing early warning to other States under specific bilateral agreements/arrangements.

Has the Jamaica Constabulary Force considered giving early warning to foreign police authorities upon its own initiative?

The Jamaica Constabulary Force has shared information upon its own initiative. Police to police cooperation is done, but on an informal basis, that is, no documentation is supplied. This type of co-operation could be extended to include terrorist activities.

Sub-paragraph 2 (d)

Please specify which kind of additional legislation is under consideration in order to implement this sub-paragraph.

Jamaica considers that the proposed anti-terrorism legislation and consequential amendments to the Mutual Assistance (Criminal Matters) Act and the Extradition Act will be sufficient to implement this subparagraph.

Sub paragraph 2 (e)

Please explain how Jamaica intends to amend the definition of terrorism in section 2 (f) of "The Offences Against the Person Act"

Jamaica intends to amend the Offences Against the Person Act to define terrorism by incorporating the definition of the terrorist offence as set out in the Terrorism Prevention Bill.

What is the competence of the courts of Jamaica to deal with criminal acts of each of the following kinds:

- ***an act committed outside Jamaica by a person who is a citizen of, or habitually resident in, Jamaica (whether that person is currently present in Jamaica or not);***

- ***an act committed outside Jamaica by a foreign national who is currently in Jamaica?***

Generally, the jurisdiction of the Jamaican courts is confined to acts committed within the territory of the State. However, the Courts may be granted jurisdiction in both these cases identified by legislation. This will be done under the proposed Terrorism Prevention Act.

Sub paragraph 2 (f)

What is the legal timeframe within which a request for judicial assistance in criminal investigations or criminal proceedings, including those relating to the financing or support of terrorist acts, must be met? How long does it actually take in practice to implement such a request in Jamaica?

The Mutual Assistance (Criminal Matters) Act does not stipulate a time frame in which requests must be met. The Director of Public Prosecution meets requests based on the following time frame guidelines:

Requests to obtain documents/articles – 35 days from the date of receipt of the request

A period of thirty-five days is necessary to accommodate the relevant applications for 'production orders' from the courts.

Where however, the request is for records from financial institutions including banks, a longer time frame is required as this entails obtaining a ministerial order.

Evidence/Testimony - 56 days from the date of receipt of the request.

Fifty-six days are necessary as time is needed to locate the witness for court proceedings, arrange protection for the witness and at times, to accommodate foreign counsel attending the proceedings as an observer.

The processing of requests is being rationalised to increase the efficiency and timeliness with which requests are met.

Although terrorism is not currently an offence under Jamaican law, double criminality is not a prerequisite for providing assistance. The authorities are not therefore prevented from rendering assistance because an offence does not exist under our laws.

Sub Paragraph 2 (g)

Please provide the CTC with information on the mechanism for inter-agency cooperation between the authorities responsible for narcotics control, financial tracking and security, with particular regard to the border controls preventing the movement of terrorists.

The various agencies work very closely together, utilizing the others expertise on a day-to-day basis for investigations and, as needed, for specific operations. The inter-agency cooperation of the relevant agencies; immigration, customs, narcotics, financial crimes, contraband enforcement, the Police Constabulary and the Jamaica Defence Force are directed and coordinated by two Ministries of Government – National Security and Finance.

In addition, the various agencies themselves enjoy very close interaction often sharing overlapping jurisdictions. For example immigration authorities often work in tandem with the Coast Guard (Jamaica Defense Force) and the fraud agencies in the Police Constabulary Force. Similarly, customs authorities would work with the Contraband Enforcement Agency and Narcotics divisions of the Police Force.

Sub Paragraph 3 (a):

Please outline the provisions of the "Bill on the Interception of Communication" to the extent that they will be relevant for the implementation of this sub-paragraph

The Interception of Communications Act, 2002 is primarily formulated as a tool to facilitate the gathering of evidence in criminal investigations for prosecution and the exchange of this information in a regulated manner.

It furthers the exchange of operational information to the extent that it establishes and regulates an additional mode of intelligence gathering for criminal investigations.

The legal basis for the exchange of operational information between the law enforcement agencies of states is accomplished via international agreements, for example mutual legal assistance agreements, crime specific multilateral and bilateral arrangements et cetera, and the relevant implementing legislation, and, also by informal arrangements.

Sub Paragraph 3(c)

With which countries has Jamaica entered into arrangements for cooperation in fighting crime, in particular arrangements directed at preventing and suppressing terrorist attacks and taking action against perpetrators of such acts?

Jamaica has not entered into any co-operation arrangements, which focuses exclusively on preventing and suppressing criminal terrorist activity. However, the arrangements in place for crime fighting generally, i.e. the mutual legal assistance and extradition agreements would facilitate cooperation in relation to taking action against the perpetrators of terrorist acts.

With which countries has Jamaica entered into bilateral treaties on extradition and mutual legal assistance?

Countries with which Jamaica has entered treaties on extradition and mutual legal assistance are as follows:

Mutual Legal Assistance –

- United Kingdom
- United States of America.

Extradition-

- The United States

- Commonwealth countries under the Commonwealth Scheme, which are also scheduled under the Extradition Act. These countries are listed in the Annex to this report

Which are the Commonwealth countries that can benefit from Jamaican legal assistance under "The Mutual Assistance (Criminal Matters) Act" and section 3 of "The Extradition Act"?

See sub paragraph 3(c) (2) above. These countries are listed in the appendix to the present report.

Please describe how Jamaica co-operates with other States, in particular in the framework of the Organization of American States (OAS) and the Caribbean Community (CARICOM) in order to implement the Resolution.

Jamaica cooperates with other States, in particular in the framework of the Organization of American States (OAS) through the conclusion of bilateral agreements using OAS principles as a basis for this cooperation. Jamaica cooperates with the Caribbean Community (CARICOM) through the sharing of information on implementation issues, the exchange of draft legislation and the expansion of existing arrangements to combat crime to include terrorist offences.

Sub Paragraph 3(d)

The CTC would welcome a progress report, in relation to the twelve relevant international conventions and protocols relating to terrorism, on:

- ***the steps taken in order to become a party to the instruments to which Jamaica is not yet a party; and***

- ***progress made in enacting legislation, and making other necessary arrangements, to implement the instruments to which it has become a party.***

Jamaica is a party to eight of the twelve relevant international conventions and protocols relating to terrorism.

Jamaica intends to ratify the outstanding instruments once the implementing legislation i.e. the Terrorism Prevention Bill is enacted.

Sub paragraph 3(e)

Please provide the CTC with a progress report regarding the examination undertaken in Jamaica with a view to implementing aspects of the International Convention for the Suppression of Terrorist Bombing.

Jamaica intends to implement the International Convention for the Suppression of Terrorist Bombing through the Terrorist Prevention Bill.

Paragraph 4

Has Jamaica addressed any of the concerns expressed in paragraph 4 of the resolution?

Jamaica has signed or is party to several international conventions concerning international terrorism, transnational organized crime, illicit drugs, arms trafficking and is committed to implementing all obligations contained therein. Jamaica has also entered into various bilateral arrangements to better coordinate and strengthens national and regional responses to international crime.

Examples of agreements which will enhance co-ordination efforts to which Jamaica is a signatory or party are the UN Convention against Transnational Organized Crime and the three protocols, the Chemical Weapons Convention, and the 1988 Vienna Convention on Illicit Drugs in which Jamaica is an active participant.

Other Matters

Could Jamaica please provide an organizational chart of its administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the Resolution.

The organizational chart of Jamaica's administrative machinery will be submitted shortly.

Please provide the CTC with a progress report regarding the "framework of legislation and administrative measures to comprehensively address terrorist activity" including an "omnibus terrorism act" which are currently under consideration.

As previously mentioned, a draft Bill entitled "the Prevention Against Terrorism Act" is under consideration by the Legal Working Group of the Inter-Ministerial Committee on Anti-Terrorism Measures. The Legal Working Group has simultaneously identified and is considering the necessary amendments to other complimentary legislation. These Acts were identified in Jamaica' s second report and include money laundering, extradition and mutual legal assistance legislation.

Assistance

Jamaica has submitted a list of assistance needs. It should be noted that this list is not exhaustive. As the country continues to implement Resolution 1373 it is anticipated that other technical assistance needs will be identified.

Appendix

Sub-paragraph 3 (c)

Commonwealth countries and regions with which Jamaica has extradition arrangements under the Commonwealth scheme

Antigua and Barbuda
Australia
Bahamas
Bangladesh
Barbados
Belize
Botswana
Britain
Brunei Darussalam
Canada
Cyprus
Dominica
Gambia
Ghana
Grenada
Guyana
India
Kenya
Kiribati
Lesotho
Malawi
Malaysia
Malta
Mauritius
Nauru
New Zealand
Nigeria
Papua New Guinea
Saint Kitts and Nevis
Saint Lucia
Saint Vincent and Grenadines
Seychelles
Sierra Leone
Singapore
Solomon Islands
Sri Lanka
Swaziland
Tonga
Trinidad and Tobago
Tuvalu
Uganda
United Republic of Tanzania
Vanuatu
Western Samoa
Zambia
Zimbabwe
Maldives
Namibia